

Remarks

Claims 1-72 which were subject to restriction and/or election requirement have been withdrawn, without prejudice to applicants' right to seek further prosecution of those claims in a divisional application.

Initially, applicants again traverse the examiner's adherence to the restriction requirement and request reconsideration thereof.

In the current official action the examiner addresses applicant's response to the restriction requirement and asserts that applicants failed to point out any supposed errors in the requirement. In the restriction requirement, the examiner took the position that the inventions defined by the six groups, into which the examiner arbitrarily divided the claims, were distinct because the inventions defined by the six arbitrary groups were related as subcombinations disclosed as usable in a single combination. The examiner further stated that the subcombinations were distinct from each other if they were shown to be separately usable and went on to posit separate utility for each of the groups while not recognizing that applicant's claims, particularly certain ones of the claims of group 6, embraced all of the inventions the examiner contended were distinct one from another as having separate utility.

In that regard, the examiner's attention is respectfully directed to original claim 114 embracing the wheel arrangement, which the examiner contended was in group 1, the aerodynamic wheel cover, which the examiner contended was in group 2, the fastening arrangement for a wheel cover, which the examiner contended defined group 3, the fastening clip for a wheel cover, which the examiner contended defined group 4, and a wheel cover for housing a tire, an inflation valve and a hose, which the examiner contended defined group 5. Applicant respectfully submits that if the examiner carefully considers the claims as originally filed,

particularly claim 114 as a member of group 6, it is manifestly clear that the claims of groups 1 through 5 are subcombination claims relative to the combination claimed in claim 114 of group 6. This being the case, and there being a linking claim provided by claim 114, applicants respectfully submit it was error on the part of the examiner to require restriction in the manner the examiner did.

Applicants further respectfully submit that the examiner's assertion that the requirement for restriction "clearly explains why the inventions are patentably distinct" is inaccurate and not a correct characterization of the restriction requirement. For these reasons applicants respectfully again request reconsideration of the restriction requirement and withdrawal of the same, so that all of the claims of the application can be examined and prosecuted together.

Turning to the references cited by the examiner and the claim amendments made herein, the claims have been amended to emphasize the very dramatic and different problem approach to a problem solved by the instant invention vis-à-vis the electronic tire management system disclosed in United States patent publication 2002/0075145A1.

Fundamentally, applicants are concerned with providing a tire safety improvement whereby pneumatic pressure in a truck tire or the tire on some other vehicle may be monitored and the tire may be replaced on the wheel without destruction or substantial interruption of the tire monitoring function. In other words, applicants' invention provides tire monitoring apparatus and methods which, once installed on a vehicle, may remain in place for the life of the vehicle, no matter how many times the tires are changed on the relevant vehicle.

The approach of the '145 patent publication is fundamentally different. That publication discloses an electronic tire management system in which tags 14 are placed within individual tires 10 mounted on a given vehicle. As clearly stated in paragraph 0082 of the '145 publication,

the tire tags which are the building block of the electronic tire management system disclosed in '145 are typically attached to a rubber patch 39 (shown in Figures 2 through 8 of '145) that is *permanently affixed* to the *inside* of a rubber tire 10. Moreover, '145 teaches that “in order to assure a good connection to the tire, the components of the tag 14 and the antenna 20 may first be encapsulated in an epoxy, such as Stycast®, and then affixed to the rubber patch 39 which is attached to the inside of the tire 10”—see the last sentence of paragraph 008 of '145 and the drawings of that patent publication.

So, the owner of a trucking fleet has a clear choice. The trucking fleet can go with the electronic tire management system disclosed in '145, requiring the owner to purchase new tire tags and the associated materials needed to encapsulate and affix the tire tags to the interior of the tires every time the truck fleet owner changes the tires on a vehicle. Alternatively, the owner of a truck fleet may purchase a tire management system according to applicants' invention, equip each of the trucks of the fleet one time, and have a tire management system which will last the life of each of the truck to which the system is applied.

In the case of an operator of a large trucking fleet, having trucks that may approach 300,000 miles a year in over-the-road travel, the advantages of applicant's vehicle based tire management system are clear—buy the system once, for each vehicle, instead of buying a system every time one changes one's tires.

Applicants' claims have been amended to distinguish applicant's vehicle-based system over the tire-based system disclosed in '145. The claims have been amended to recite that the transducer and comparator are mounted on or connected to the “externally facing portion of the wheel” on which a vehicle tire of interest is mounted. Applicant's application provides clear

support for this at page 10, line 11 of the application as filed. Additionally, applicant's drawings are manifestly clear in disclosing this aspect of applicant's system.

Applicant has additionally amended applicant's claims to recite even greater clarity that applicant's system desirably includes, in addition to the transducer, the comparator and the transmitter that facilitates transmittal of data on tire pressure to a remote locale, an easily readable pressure gauge connected to the wheel on which a tire of interest is mounted, and a valve and valve assembly facilitating manual inflation or deflation of the tire in response. The adjustment of tire pressure by the vehicle operator may be either in response to information received from a remote station in response to data collected by the transducer and processed by the comparator and sent by the transmitter, or in response to the vehicle operator reading the pressure gauge and noting that the tire requires inflation or deflation. This aspect of applicants' invention is not addressed or suggested in the '145 patent publication.

Regarding the second reference cited by the examiner, the United States patent 5,048,116, applicants readily concede that that reference relates to signal routing systems for use in cellular RF communications. However, the '116 patent does not cure the deficiencies of the '145 patent publication as respecting the unobviousness of applicants' invention as defined by the claims as currently amended. Specifically, the '116 patent makes no mention of any tire management system and appears to relate solely to operation of cellular telephone communication systems. As such, applicants do not believe the '116 patent is relevant, either taken alone or in combination with the '145 patent publication as respecting the unobviousness of applicants' claims as currently amended.

In light of the foregoing, applicants respectfully submit that with the amendments to the claims as set forth above and the remarks immediately hereinabove, the claims are in form for

allowance and the notification of the allowability of the claims pending in the application is respectfully solicited.

In view of these remarks and the amendments that distinguish applicants' invention from the cited art, applicants respectfully submit that the extant rejection of the claims under 35 U.S.C. 103 is no longer well founded and should be withdrawn.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,



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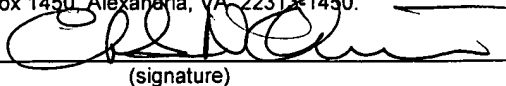
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BY: Charles N. Quinn

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